

MRS. GIULIA DI GAETANO COCCIA

JULY 20, 1951.—Committed to the Committee of the Whole House and ordered  
to be printed

Mr. GRAHAM, from the Committee on the Judiciary, submitted the  
following

REPORT

[To accompany H. R. 2621]

The Committee on the Judiciary, to whom was referred the bill (H. R. 2621) for the relief of Mrs. Giulia Di Gaetano Coccia, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to waive an exclusion clause of our immigration laws, concerning the admission of a crime involving moral turpitude, in behalf of the mother of a United States citizen.

GENERAL INFORMATION

The pertinent facts in this case are contained in a letter dated June 27, 1951, from the Deputy Attorney General to the chairman of the Committee on the Judiciary, which letter reads as follows:

JUNE 27, 1951.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 2621) for the relief of Mrs. Giulia Di Gaetano Coccia.

The bill would render the provisions of the eleventh category of section 3 of the Immigration Act of 1917, as amended (8 U. S. C. 136 (e)), relating to persons convicted of a crime or misdemeanor involving moral turpitude, inapplicable to Mrs. Giulia Di Gaetano Coccia, and would provide that she may be admitted to the United States for permanent residence if she is found to be otherwise admissible.

The files of the Immigration and Naturalization Service of this Department disclose that Mrs. Coccia, a widow, is a native and citizen of Italy, having been born in Mosciano, San Angelo, Teramo, Italy, on April 18, 1873. She is presently residing at the place of her birth in Italy. Her daughter and son, Mary Ruffini and Vincent Coccia, reside in the Bronx, N. Y. The daughter became a citizen of the United States on January 26, 1948, through naturalization in the United States District Court, Southern District of New York, and thereafter executed a petition for issuance of an immigration visa to her mother. Her mother, however, was advised by the American consul that an investigation revealed that she was convicted on March 4, 1899, of an offense involving moral turpitude and that she was therefore mandatorily excludable from the United States. The records show that she was convicted of theft for which she was sentenced to 3 days' imprisonment and payment of damages and court expenses.

The files further show that, according to a sworn statement made by Mrs. Ruffini on March 26, 1951, she, her two brothers and her mother entered the United States in March 1911 destined to the husband and father, Antonia Coccia, a citizen of Italy who had preceded them to the United States, that Mrs. Coccia and her husband remained in the United States until September 10, 1924, when they returned to Italy without the children. Mrs. Ruffini further alleges that she and Vincent Coccia are the only surviving children and that they live together. She stated that she married Alexander Ruffini in New York on September 30, 1922, that they have two children, and that she and her brother have an adequate income to support Mrs. Coccia.

There has been issued in Mrs. Coccia's behalf a certificate of rehabilitation, by the Italian authorities on July 1, 1950, which purports to have restored to her all civil rights that she may have lost by reason of her conviction of the aforementioned crime. Such restoration, however, does not remove the basis of her inadmissibility to the United States.

As indicated above the alien is over 78 years of age, is the mother of a citizen daughter and legally resident son, was previously a legal resident of this country for over 13 years, and would therefore be eligible for a first preference status in the issuance of a quota immigration visa under the provision of section 6 (a) (1) (A) of the Immigration Act of 1924 on the basis of an approved petition for issuance of such visa executed by her citizen daughter, had she not been convicted of a crime involving moral turpitude.

In view of the information of record the subject is excludable from the United States under the provision of the eleventh category of section 3 of the Immigration Act of February 5, 1917, as amended. Therefore, in the absence of special legislation she is unable to join her children in this country.

Whether the general provisions of the immigration laws should be waived in this case presents a question of legislative policy concerning which this Department prefers not to make any recommendation.

Yours sincerely,

PEYTON FORD,  
*Deputy Attorney General.*

Upon consideration of all the facts in this case, the committee is of the opinion that H. R. 2621 should be enacted and it accordingly recommends that the bill do pass.

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